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July 24, 2024

LETTER-MOTION (FILED ON ECF)

Honorable Robyn F. Tarnofsky
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 703
New York, NY 10007

**Re: *Parker v. Burson, 24-cv-245 (JGLC) (RFT)*
Letter-Motion to File Under Seal Defendants' Opposition to
Non-Party Ivan Wilzig's Motion to Quash Subpoena**

Dear Magistrate Judge Tarnofsky:

This Firm, along with Judd Burstein, P.C., represents Defendants Scott Burson and Burson & Fisher, P.A. (collectively, “Defendants”) in the above-referenced matter. We submit this letter-motion pursuant to paragraph III(E) of Your Honor’s Individual Practices in Civil Cases to request permission to file under seal Defendants’ papers in opposition to Non-Party Ivan Wilzig’s (“Wilzig”) Motion to Quash the Subpoena that Defendants served on him, dated June 24, 2024 (Wilzig’s “Motion to Quash”).

On January 24, 2024, Your Honor issued a Corrected Report and Recommendation and Opinion and Order directing that if Plaintiff files her complaint before Judge Clarke issues an order addressing Defendants’ motion for a TRO and preliminary injunction to seal, that complaint shall be held under seal by the Clerk of the Court until Judge Clarke issues an order on the motion. ECF No. 25. On March 22, 2024, pursuant to Your Honor’s January 24, 2024 Order, Plaintiff filed her Complaint under seal. *See* ECF No. 53-1 (sealed). Thereafter, Judge Clarke issued multiple orders directing that submissions referencing details of the Complaint should be filed under seal pending Judge Clarke’s decision on Defendants’ pending renewed motion to seal, dismiss and strike the Complaint (and their Objections to the Report & Recommendation). *See* ECF Nos. 64, 74, 77; *see also* ECF No. 95.

Defendants have exercised care to avoid referencing the allegations of the Complaint in their discussion with counsel for Wilzig and their opposition to Wilzig’s Motion to Quash. However, out of an abundance of caution and to the extent that Defendants’ opposition papers necessarily reference statements and actions of Plaintiff (even if not those specifically alleged in the Complaint), Defendants respectfully request permission to file their papers in opposition to Wilzig’s Motion to Quash under seal, with the exception that Defendants be permitted to share their opposition papers with Mr. Wilzig’s counsel and/or that the Court direct the Clerk to grant ECF access to Defendants’ opposition papers to Wilzig’s counsel (with a directive that Mr. Wilzig and his counsel shall not disclose the contents of Defendants’ opposition papers with other persons or the public until and unless the Court’s temporary sealing orders are lifted).

GIBBONS P.C.

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We thank the Court for its consideration of this Request.

Respectfully submitted,

/s/ Christine A. Amalfe

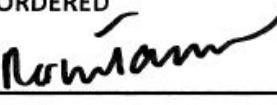
Christine A. Amalfe

cc: All counsel of record (via ECF)

The request to seal ECF 110, ECF 111, and ECF 112 is granted temporarily, subject to reconsideration upon Judge Clarke's decision on the pending motion to seal the operative complaint. While it is not clear to me that my authorization is needed, Defendants may share their opposition papers to the motion to quash with the movant.

The Clerk of Court is respectfully requested to terminate ECF 109 and to seal ECF 110, ECF 111, and ECF 112. Access is restricted to attorneys appearing for the parties and court personnel.

Dated: July 26, 2024
New York, NY

SO ORDERED


ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE